

REMARKS

Claim 1 has been rejected under 35 USC 102(e) as anticipated by Yamashita et al (US 6,565,156). In the Office Action of Record it is stated that “Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al. Yamashita et al. shows a flexible seatback tilt limiter (1,2) for adjustably limiting the flexible tilting recline motion of a seatback, the seatback tilt limiter comprised of a first rotator (21) with repeating periodic protrusions (23a), the first rotator having a full forward seatback upright endstop and a full recline seatback endstop (as defined by the banana slot 24), and a second rotator (11) with repeating periodic receivers (13a), the second rotator having an adjustment endstop (14), the first rotator periodic protrusions disengagably received by the second rotator receivers, wherein the first rotator is free to rotate between the full forward seatback upright endstop and the full recline seatback endstop when the protrusions are disengaged and not received in the second rotator receivers and the second rotator adjustment endstop limits the rotation of the first rotator to an adjustable reclined seatback tilt limit when the protrusions are received in the second rotator receivers (see Figs. 4-7).”

As previously set forth, Applicants contend that such rejection based on a misstatement of fact must be withdrawn and claim 1 allowed. A full and complete reading of Yamashita et al (US 6,565,156) shows that this rejection is incorrect and is based on misstatements of fact, particularly in that member 14 of Yamashita et al (US 6,565,156) is taught as control pin 14 and is not “an adjustment endstop (14)” as alleged in this rejection. Yamashita et al (US 6,565,156) discloses in its Abstract “A ratchet gear is provided to each of a pair of arms (rotors), which are coupled through a bolt, at counter surfaces of a pair of their respective rotary portions opposing in an axial direction of the bolt serving as an axis of relative rotation, and each ratchet gear is provided with a plurality of gear teeth, while both the arms are pushed in their opposing direction by a spring, so that a relative rotating position of the arms is adjusted step by step per an angle set in accordance with the gear teeth, whereby it is possible to provide a rigid angle adjusting device that can be assembled at a low cost without increasing the size.” (under line emphasis added) Additionally Yamashita et al (US 6,565,156) states that the “present invention relates to an angle adjusting device for

adjusting a tilting angle of a backrest portion of a legless chair or a foldable bed” (column 1, lines 5-7). Then Yamashita et al (US 6,565,156) teaches that the control pin 14 is provided on the ratchet gear 13 of coupling portion 11, with the control pin 14 received in slit 24 of coupling portion 21, with the control pin 14 controlling the releasing body 3. The controlling pin 14 is positioned within the cutout portion 31 of the releasing body disk 3 of the assembly such as shown in FIG.4-7, such that the control pin 14 controls the function of the releasing body disk 3 in separating the coupling portions 11, 21. The control pin 14 is just that a control pin for controlling releasing body disk 3, and does not function as an adjustment endstop (14) with a banana slot 24 as proposed in this rejection. In that this rejection is based on a misstatement of fact, it should be withdrawn. The prior art structure of Yamashita et al (US 6,565,156) is not capable of performing the intended use of the current claims, and is not able to perform the functions and claimed elements of the current claims. It appears from the Office Action the Examiner is confusing the present application with the cited reference, particularly with the arguments that “it is noted that the features upon which applicant relies (i.e., an end stop defined by opposing projecting pins) are not recited in the rejected claim(s)” and the Examiner is mixing up the arguments of Yamashita et al (US 6,565,156) control pin 14 with some other pins, but the arguments were made in regards to the teachings of Yamashita et al (US 6,565,156) and its control pin 14. To help alleviate such future confusion and to particularly point out and distinctly claiming the subject matter of the present application Applicants have amended the claims as shown. Such claim 1 is not anticipated or rendered obvious by Yamashita et al (US 6,565,156), with the intended use, structural, functional, and operational differences claimed clearly distinguishing the present claim. Yamashita et al does not disclose the elements of the present claims, and instead actually teaches away from the present claims.

Claims 10, 13, 39 have been rejected under 35 USC 103(a) as being unpatentable over Yamashita et al (US 6,565,156). The rejection states that Yamashita et al (US 6,565,156) shows all of the teachings of the claimed invention and that consequently the method steps would be incorporated within the use of the invention as taught by Yamashita et al (US 6,565,156). As argued above, the teachings of Yamashita et al (US 6,565,156) do not show the teachings of the presently claimed

invention, and thus this 35 USC 103(a) rejection should similarly be withdrawn, in that the control pin 14 controls the releasing body disk 3 and does not function as an adjustment endstop (14) with the banana slot 24. Further as noted above a full and complete reading of Yamashita et al (US 6,565,156) shows that this rejection is based on a misstatement of fact and that clearly the reference does not show "all of the teachings of the claimed invention", so as noted the above this rejection must be withdrawn. Additionally Applicants have amended the claims as shown to distinctly claim to particularly point out and distinctly claiming the subject matter of the present application and move the case to allowance. Clearly Yamashita et al (US 6,565,156) teaches that engagement of the ratchet gear 13 and 23 to inhibit rotation and movement of a backrest of an easy to carry foldable bed folded into three by folding down the backrest portion. Applicants respectfully request withdraw of this rejection and allowance of claims 10, 13, 39.

Applicants respectfully request a Notice of Allowance for the pending claims.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 12-2143. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments regarding this application to Deposit Account No. 12-2143.

Respectfully submitted,

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